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### REMARKS

This is in response to the Office Action mailed February 5, 2010. Claims 1-28 are pending. Reconsideration is respectfully requested for the following reasons.

Claims 1-4, 8-14, 18-25 were rejected as obvious/unpatentable over Cole 6,475,087 in view of Bowron 7,374,258; and further claims 5-7 and 15-17 were rejected as unpatentable/obvious over Cole '087, Bowron '258, and Hedrick 6,135,884. This rejection is respectfully traversed for the following reasons.

In order to establish a prima facie case of obviousness, three criteria must be met. M.P.E.P. § 706.02(j). Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In re Fine, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Secondly, there must be a reasonable expectation of success. In re Merck & Co., Inc., 231 U.S.P.Q. 375 (Fed. Cir. 1986). Thirdly, the prior art reference (or references) must teach or suggest all the claim limitations. In re Royka, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 1 defines a gaming cabinet including, among other things, a cabinet, a door having "an enlarged opening defining generally vertical spaced apart side edges", at least one sheet mounted to the door, and "a generally horizontal cross member extending across the enlarged opening", the cross member "including fasteners removably securing the cross member to the door in a selected one of the vertically-adjusted positions, such that the vertical position of the cross member can be adjusted during installation to vary the size of an upper portion of the enlarged opening above the cross member, and a lower portion of the enlarged opening below the cross member, the cross member being visible from a front of the cabinet when the door is in the closed position."

Cole '087 discloses a gaming apparatus, but clearly does not disclose an adjustable cross member as defined. This interpretation is supported by the recent decision by the Board Of Patent Appeals And Interferences dated August 3, 2009.

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The recent Office Action reopened prosecution and now cites Bowron '258 for disclosing an adjustable cross member, and then proposes it is combinable with Cole '087 to reject the present claim 1. However, Applicant does not agree for several reasons.

Bowron '258 discloses an adjustable mounting system where cross members (20) are interconnected vertically and horizontally to create a mounting system that can support the faceplate of various components at different positions. In Bowron, the cross members 20 are the mount system (For clarity and accuracy, Applicants refer to this as "mounting members 20" herebelow). Even though they arguably extend across the door, the mounting members 20 in Bowron do not "vary the size of an upper portion of the enlarged opening and a lower portion of the enlarged opening below the cross member." Instead, the mounting members 20 merely provide a place for mounting different components on the door, with a face of the components being accessible from a front of the door. In Bowron, it is the components themselves that divide the opening in the door into different areas. It is illogical and counterintuitive to interpret the mounting bracket in Bowron as dividing a door opening, and further illogical and counterintuitive to interpret the mounting bracket as varying a size of upper and lower portions of the opening in the door. The mounting members 20 in Bowron is necessarily positioned behind the opening in its door, so that components mounted on the mounting members 20 will not protrude out in front of Bowron's cabinet.

Further, claim 1 defines the cross member as "being visible from a front of the cabinet when the door is in the closed position". Since the mounting structure in Bowron is necessarily rearward and behind components that form a face of Bowron's unit, they clearly are not visible from a front of the cabinet. Nor is it logical to modify the cabinet to achieve this function. Nor is there any suggestion in either Cole or Bowron to do so.

More specifically, Bowron and Cole lack the claim elements, including the cross member as defined, since the mounting members 20 in Bowron is part of the mounting system and not the component recited. Further, the legal standard for obviousness requires that there must be some suggestion or motivation, either in the references

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themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, which is not present. Instead, the Office Action is using hindsight to take a piece of a mounting system in Bowron to make the present rejection, yet without sufficient support or logical reason to do so. The legal standard for obviousness also requires that there must be a reasonable expectation of success. In the present situation, there is no reasonable expectation of success for taking a bolt-on mounting member 20 from the mounting system in Bowron and use it as defined, where theft and clandestine activity is common in gaming cabinets. Thirdly, the prior art reference (or references) must teach or suggest all the claim limitations. As noted above, they do not, since Bowron and Cole lack the claimed cross member as defined, since the mounting member 20 in Bowron is part of a mounting system and not the visible component recited.

Therefore, claim 1 is allowable over the cited art.

Dependent claims 2-9, 22-24, 26 are allowable since there are dependent on an allowable base claim 1, and further they define unobvious combinations with the elements of claim 1. In particular, the prior art does not disclose or suggest the positions defined in claim 2, the features of the sheet in claims 3-4, a positioning of components in claims 5-7, a mount with structure as defined in claim 8, a cross member with beveled opposite end portions as defined in claim 9, a mount as defined in claims 22-23, fasteners as defined in claim 24, nor a cross member including an outer surface forming a visible exterior part of the cabinet as defined in claim 26.

Claim 10 defines a gaming machine including, among other things, a cabinet having an enlarged opening on a front side of the cabinet; a door with an enlarged opening therethrough in registry with the enlarged opening in the cabinet when the door is in a closed position; a mount secured to the door and having an enlarged opening therethrough; and a cross member fastened to the mount and extending across the enlarged opening in the door, the cross member adjustably engaging the door to selectively divide the opening but being secured by the mount in a selected vertical position.

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As noted above, Cole does not disclose an adjustable cross member. The Office Action cites Bowron for that feature, and takes the position that the features of these references are combinable. However, as noted above, Bowron lacks sufficient teaching to make this rejection, and further any such combination is not obvious to make, and still further, even if made, does not result in the present invention of claim 10.

Specifically, Bowron '258 discloses an adjustable mounting system where mounting members 20 are interconnected vertically and horizontally to create a mounting system that can support the faceplate of various components at different positions. In Bowron, the mounting members 20 are the mount system. Some of the illustrated mounting members 20 in Bowron extend across the door, but they do NOT "vary the size of an upper portion of the enlarged opening and a lower portion of the enlarged opening below the cross member." Instead, the mounting members 20 merely provide a place for mounting different components on the door, with a face of the components being accessible from a front of the door. In Bowron, it is the components themselves that divide the opening in the door into different areas. Applicant argues that it is not logical to interpret the mounting bracket in Bowron as dividing a door opening as defined in claim 10. Instead, the mounting members 20 in Bowron is necessarily positioned behind a front of the opening in its door, so that components mounted on the mounting members 20 will not protrude out in front of his cabinet. If the interpretation suggested by the Examiner is taken to an extreme, then any horizontal bracket causes claim 10 to be obvious . . . which is illogical and which totally ignores the benefits and advantages of the presently claimed system.

Further, claim 10 recites that the cabinet, door, and mount each include enlarged openings, and a cross member that extends across the door to divide the opening of the door. Neither Cole nor Bowron disclose a system where these three components each include enlarged openings. Instead, the mounting system of Bowron includes multiple strip mounting members 20 fastened together in vertical and horizontal positions as needed for supporting functional components and panels, where the functional

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components and panels form a visible front of cabinet and not the mounting system components.

Accordingly, claim 10 is believed to be in condition for allowance.

Dependent claims 11-21, 27 are allowable since they are dependent on an allowable base claim 10, and further they define unobvious combinations with the elements of claim 10. Notably, several of claims 11-21 and 27 are similar to claims 2-9, 22-24 and 26 previously discussed, and are allowable for the same or similar reasons.

Claim 25 defines a gaming machine including, among other things, a cabinet, a door, at least one sheet mounted to the door and extending across at least a substantial portion of the opening in the door, the sheet having an outside surface, at least a portion of the sheet being see-through; and a generally horizontal cross member extending across the enlarged opening and that is adjustable between any one of a plurality of vertically-adjusted positions. Notably, claim 25 recites that "the cross member being a separate component but clamped against an outside of the door and secured to the door with the attachment structure in a selected one of the positions, such that the vertical position of the cross member can be adjusted during installation to vary the size of upper and lower portions of the enlarged opening above and below the cross member." (Emphasis added.)

The deficiencies of Cole and Bowron were discussed above, and the same reasons apply here and are incorporated herein so that they do not have to be repeated. However, it is also noted that claim 25 recites: "the cross member being a separate component but clamped against an outside of the door and secured to the door with the attachment structure in a selected one of the positions, such that the vertical position of the cross member can be adjusted during installation to vary the size of upper and lower portions of the enlarged opening above and below the cross member." (Emphasis added.) Bowron discloses a mounting system including mounting members 20 for mounting which is necessarily inside the cabinet. The mounting system of Bowron would never be used outside of the cabinet and would never be clamped against an outside of the door as defined, since the mounting members 20 in Bowron

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would detract from the cabinet's appearance. Further, placing the mounting members 20 in an outside position would also interfere with providing the mounting members 20 mounting function, as well as provide access to bolts and fasteners in a manner allowing thieves to access the inside of the cabinet. Notably, the relevant components disclosed in Cole are also not positioned on an outside of the cabinet as defined. Therefore, none of the references disclose or suggest the invention as presently defined in claim 25.

Dependent claim 28 is allowable since it is dependent on an allowable base claim 25, and further since it defines an unobvious combination with the elements of claim 25. Notably, claim 28 defines the cross member as including an outer surface forming a visible exterior part of the cabinet when the door is in the closed position. This is not shown or suggest by the prior art, nor does the prior art suggest any reason for making such a modification.

Accordingly, all claims 1-28 are believed to be in condition for allowance, and a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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Date

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